

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANGEL SANTOS v. DALE MEISEL, et al.	CIVIL ACTION NO. 13-3134
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ORDER

AND NOW, this 19th day of May, 2016, for the reasons stated in the foregoing Memorandum, upon consideration of Defendants' Motion for Summary Judgment (ECF 34), and all responses and opposition thereto, it is hereby **ORDERED** that:

1. Defendants' Motion as to exhaustion is **DENIED**, but without prejudice to filing a supplemental Motion concerning Plaintiff's Eight Amendment claims;
2. Plaintiff's Opposition filing (ECF 39), to the extent it asserts a Cross-Motion for Summary Judgment, is **DENIED** as to the Eighth Amendment claim. To the extent Plaintiff's Complaint asserts any claims grounded in negligence, all such claims are **DISMISSED WITH PREJUDICE**;
3. Defendants shall submit, within 30 days, a Memorandum of Law and sufficient factual information for the Court to assess whether a trial is required on Plaintiff's Eighth Amendment claims. This submission shall include the following:
 - a. Sworn statements from any Defendant who asserts he or she was not involved in the events giving rise to the litigation (see Fed. R. Civ. P. 56(c));
 - b. Why Plaintiff was released to unit 2C;
 - c. Who was involved in the decision to place him there;
 - d. What awareness the individual(s) who placed Plaintiff in 2C had of Plaintiff's prior confrontation with Rivera or of Plaintiff's assorted grievances and

- communications with prison staff;
- e. Whether Remark Bell and/or Ruben Rivera were assigned to unit 2C at the time Plaintiff was placed there;
 - f. Whether Ruben Rivera was ever on Plaintiff's enemies list; and
 - g. Why Plaintiff was ultimately transferred to unit 3D on May 10, 2012.
4. Plaintiff shall, within 45 days of Defendants' submission, submit a response under penalty of perjury challenging any factual assertions made by Defendants that Plaintiff claims are disputed. Any Defendant who has shown noninvolvement shall be dismissed as a party unless Plaintiff establishes a genuine dispute as to that person's involvement;
5. While Defendants' response is pending, this Court will refer this case to the Prisoner Civil Rights Panel for locating counsel to represent Plaintiff. The above deadlines will not be stayed in the event that no counsel takes the case.

BY THE COURT:

/s/ Michael M. Baylson

MICHAEL M. BAYLSON, U.S.D.J.